

United States District Court
Eastern District of Michigan

United States of America,

Plaintiff,

No. 24-mj-30217

v.

Hon.

William A. Smith,

Defendant,

**Stipulation and Proposed Order to Continue the Preliminary Hearing,
Extending the Time in which an Indictment Must be Returned, and Find
Excludable Delay**

The parties stipulate to continue the preliminary hearing in this matter from August 26, 2024, to September 26, 2024. The parties further stipulate, and jointly request that the Court order the time period in which an indictment must be returned be continued for 30 days and move for the Court to find that the time period between August 26, 2024, and September 26, 2024 qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The parties also stipulate that there is good cause for the requested continuance under Federal Rule of

Criminal Procedure 5.1(d). The parties' reasons for the continuance and for a finding of excludable delay and good cause are as follows:

- The investigation into this factually and legally complex matter continues. The charges in this case involve allegations of misconduct that span a substantial period of time. Investigation of allegations of this scope necessarily entails the review of a substantial volume of documents and potentially discoverable material. The parties have been working diligently to review and analyze that material, but need a short amount of additional time (30 days) to continue that process. An additional thirty days of investigation and review will materially assist in the parties in their preparation for a preliminary hearing should this case proceed to one. An additional thirty days of investigation will also give the parties an opportunity to continue to discuss a possible resolution of this case without proceeding to a grand jury indictment.
- Ordinarily, an indictment must be returned within thirty days from the date on which a defendant is arrested on a complaint. 18 U.S.C. § 3161(b). That period may be continued by the Court, however, and under some circumstances the resulting period of delay may be found to be excludable delay for purposes of the 30-day clock of § 3161(b). 18 U.S.C. § 3161(h)(7)(A). The parties jointly request that the Court continue the

period in which an indictment must be returned by 30 days in order to permit the continued investigation of this matter, the further review and analysis of documents and material relevant to the case and a preliminary hearing, and discussions between the parties about a possible resolution of this matter without proceeding to a grand jury indictment.

The parties further stipulate and request that the Court find that, in light of the factors set forth in § 3161(h)(7)(B), the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment, and that such time should therefore be excluded from the time within which an indictment must be filed. *See* 18 U.S.C. § 3161(h)(7)(A) (allowing for periods of excludable delay).

Respectfully submitted,

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William A. Smith,

Defendant,

**Order Continuing the
Preliminary Hearing and Finding Excludable Delay**

The Court has considered the parties' stipulation and joint motion to continue for 30 days the time period in which an indictment must be filed and to continue the preliminary hearing and for a finding that the time period from August 26, 2024, to September 26, 2024, qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7).

For the reasons described in the parties' submission, the Court specifically finds under 18 U.S.C. § 3161(h)(7)(B)(iii) that it would be unreasonable to expect the return and filing of an indictment within the period specified in section 3161(b) due to the ongoing investigation of this complex matter. The Court further finds that failure to grant a continuance would likely make a continuation of the

proceeding impossible or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). The Court further finds that the ends of justice served by granting the parties' requested continuance outweigh the best interests of the public and the defendant in a speedy trial and that the time from August 26, 2024, to September 26, 2024, qualifies as excludable delay under § 3161(h)(7).

IT IS THEREFORE ORDERED that the time in which the government must return an indictment is extended by an additional 30 days, to run from the date on which an indictment was otherwise required to be filed under 18 U.S.C. § 3161(b).

For the same reasons, the Court also finds that there is good cause for the requested continuance under Federal Rule of Criminal Procedure 5.1(d).

IT IS THEREFORE ORDERED that the preliminary hearing will be continued from August 26, 2024, to September 26, 2024, and that the time from August 26, 2024, to September 26, 2024, shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

s/David R. Grand
Hon. David R. Grand
United States Magistrate Judge

Entered:8/23/24